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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,958	03/19/2004	Chanh C. Vo	HE0222	9176

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EXAMINER

CHIEM, DINH D

ART UNIT PAPER NUMBER

2883

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,958

Applicant(s)

VO ET AL.

Examiner

Erin D. Chiem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-12, 17-21, 23, 24, 28, 29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12, 17-21, 23, 24, 28, 29 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to applicant's amendment filed on August 7, 2006. Currently, claims 5-6, 13-16, 22, 25-27, and 30 are canceled. Claims 1-4, 7-12, 17-21, 23-24, 28-29, and 31 are pending. The amendment of claim 1 overcame the claim objection made in the previous office action; the claim objection is now withdrawn. In view of the amended limitations to claims 1, 17, and 28 new grounds of rejections are provided herein below.

Claim Objections

In view of the amendment, the objection to claim 1 is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-4, 8, 11-12, 17-21, and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Neill et al. (US 5,218,664).

In terms of claims 1-4, 17, 20-21, and 28-29, O'Neil teaches a splice pedestal comprising a base (Fig. 1; '12' '21' '24' and see also Fig. 7), a housing (10) positioned over the base, a distribution cable (9) received within the interior cavity, a plate (26) secured to one of the housing and the base and operable for separating the interior cavity into a first compartment (not

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explicitly drawn but explained in col. 2, lines 52-57) disposed within the housing and a second compartment (21). A splice tray (24), means for interconnecting.

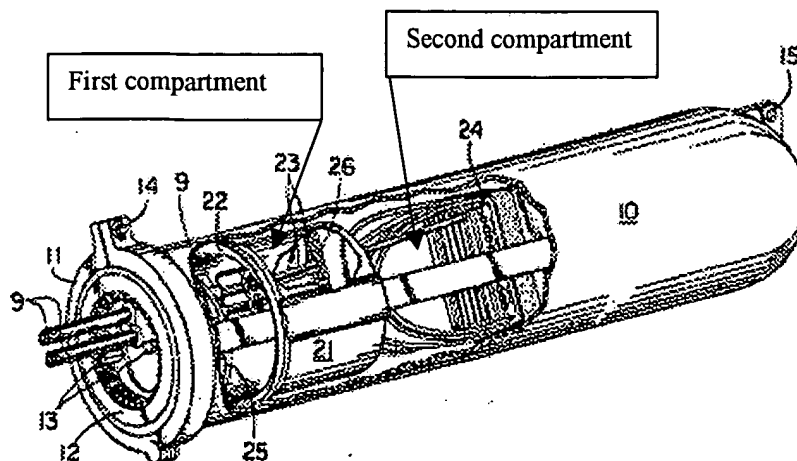
Regarding claims 8, 11-12, and 18-19 the "plate" is referred to as "circular areas" by O'Neill; wherein the circular areas joined together to form a plate sealing the first compartment relative to the second compartment. The second compartment creates a bell jar effect when the housing (10) is positioned over the base to further seal the interior cavity relative to the ambient atmosphere.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 9-10, 23-24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 5,218,664) in view of Saito (US 5,649,042)



O'Neil teaches a splice pedestal comprising a base (Fig. 1; '12' '21' '24' and see also Fig. 7), a housing (10) positioned over the base, a distribution cable (9) received within the interior cavity, a plate (26) secured to one of the housing and the base and operable for separating the interior cavity into a first compartment (not explicitly drawn but explained in col. 2, lines 52-57) disposed within the housing and a second compartment (21). A splice tray (24), means for interconnecting. Furthermore, a plate (26) sealing the first compartment relative to the second compartment.

However, O'Neil does not explicitly teach the limitation of a pre-connectorized cable.

Saito teaches a cable distribution shelf or closure employs preconnectorized cable for the purpose of preventing entanglement of the optical fiber cables (col. 1, lines 36-52).

Since O'Neil and Saito are both from the same field of endeavor, the purpose disclosed by Saito would have been recognized in the pertinent art of O'Neil.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ preconnectorized cable to separate the cables and preventing entanglement of the cables. The motivation employing preconnectorized cable is to prevent the cables from intertwined with one another causing bent in the fiber leading to signal loss of the fiber transmission. By maintaining the cable at a minimal bent using preconnectorized cable, signal loss caused by bent in entangled cables is prevented.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 7-12, 17-21, 23-24, 29-29, and 31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Erin D Chiem
Examiner
Art Unit 2883



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Supervisory Primary Examiner
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